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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,879	06/29/2001	Paul Glatkowski	38572.0024	4705

25227            7590            07/18/2003  
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[REDACTED]  
EXAMINER  
WYROZEBSKI LEE, KATARZYNA I

[REDACTED]  
ART UNIT            PAPER NUMBER  
1714  
DATE MAILED: 07/18/2003            *21*

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/894,879	GLATKOWSKI ET AL.	
Period for Reply	Examiner	Art Unit	
	Katarzyna Wyrozebski Lee	1714	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>Status</b>			
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>24 March 2003</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL.      2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
<b>Disposition of Claims</b>			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-49 and 52-105</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>55-75</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-49, 52-54 and 76-103</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) <u>1-49 and 52-103</u> are subject to restriction and/or election requirement.</p>			
<b>Application Papers</b>			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:            1.<input type="checkbox"/> Certified copies of the priority documents have been received.            2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.            3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
<b>Attachment(s)</b>			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.            5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            6)<input type="checkbox"/> Other: _____.</p>	

In view of the declaration under 1.131 article, the prior art of record is no longer applicable against present claims. Updated search resulted in two publications, one of which is available against present claims.

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 23-49, 52-54, 76-103 are rejected under 35 U.S.C. 102(e) as being anticipated by Smalley (US 2002/0150524).

The prior art of Smalley discloses composition for a composite comprising polymer and single wall carbon nanotubes.

Polymers include phenolic resins, polyesters, polyamides, polycarbonates as well as liquid crystalline polymers [0253] and DNA [0265].

Nanotubes have diameter of 3nm, 5nm, 10nm, 30nm, 60nm and 100nm [0064] and a length of 50nm to 1 mm, wherein the aspect ratio, which is length over diameter, is in a range of approximately 15:1 to 10000:1. The amount of the carbon nanotubes in a composite can be in a range of 10-30 wt %.

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The nanotubes are oriented parallel to each other and are held together by van der walls interaction, which may bring some of the into contact with each other [0005].

The nanotube composites of the prior art of are utilized in electrical industry and the components of the ship's systems, which are required to absorb electromagnetic radiation such as sonar dome [0269] and mobile articles. The electromagnetic property is therefore seen as an inherent property of this types of composite, since both the matrix and the nanotubes are all that is required to be present in the composition, especially nanotubes that are aligned.

In the light of the above disclosure, the prior art of Smalley anticipates the requirements of claims rejected above.

Second prior art of disclosure of Dupire (US 6,331,265), although does not qualify as a prior art for date purposes, contains material that is more than applicable against present claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski Lee whose telephone number is (703) 306-5875. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Katayna Myrebsky  
KIWL  
July 11, 2003